IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SEVENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 4348 of 2004

Between:

Mohd Ghouse S/o Abdul Raheem,
R/o Kottalar Village, Raichur Taluq and District, Karnataka

..... PETITIONER

AND

1 The Secretary, Regional Transport Authority, Mahaboobnagar District at Mahaboobnagar
2 The Motor Vehicle Inspector, unit Office of Pebbair of Mahaboobnagar district

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in seizing the vehicle Ashok Leyland bearing No. ADT-9356 vide check report dt 28-2-02 and spelt over the matter without conducting any enquiry and without releasing the interim custody of the above vehicle to the petitioner, as illegal, unlawful and contrary to sec. 8 of A.P. Motor Vehicle Taxation Act, 1963 and consequently direct the 1st respondent to release the custody of the above vehicle to the petitioner pending enquiry subject to any conditions as this Hon'ble Court deems fit and proper in the circumstances of the case

Counsel for the Petitioner:MR.M.DAMODAR REDDY

Counsel for the Respondents.: GP FOR TRANSPORT

The Court made the following :

ORDER:

(per Sri Bilal Nazki, J)

Heard the learned counsel for the parties.

It is submitted that a Lorry bearing No. DTS-9356 was seized on 28.2.2002 and the matter was being enquired into by the respondents, but, it has not been decided so far. The learned counsel for the respondents submits that the enquiry could not be completed in view of the fact that the petitioner did not cooperate and his address was not available to the respondents.

Under these circumstances, we direct the first respondent to dispose of the matter within a period of two weeks from the date of receipt of a copy of this order. The petitioner shall serve a copy of this order on the first respondent. In the meanwhile vehicle be released if the petitioner pays the tax component of the liability.

Accordingly, the Writ Petition is disposed of. No costs.

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BILAL NAZKI, J

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S. ANANDA REDDY,J

DATED: 27.7.2004.

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ASSISTANT REGISTRAR

// TRUE COPY//

SECTION OFFICER

To

1 The Secretary, Regional Transport Authority, Mahaboobnagar District at Mahaboobnagar
2 The Motor Vehicle Inspector, unit Office of Pebbair of Mahaboobnagar district

3. 2 CC to G.P for Transport, High Court Buildings, High Court of A.P. Hyderabad.

4. 2 CD copies.